

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

RITCHIE R. HUMPHREY, §
§
Plaintiff, §
§
v. § Civil Action No. 3:17-cv-03062
§
UNITED STATES OF AMERICA, and §
UNITED STATES POSTAL SERVICE, §
§
Defendants. §

PLAINTIFF'S ORGINIAL COMPLAINT

COME NOW RITCHIE R. HUMPHREY, hereinafter also referred to as "Plaintiff," and files Plaintiff's Original Complaint, complaining of UNITED STATES OF AMERICA, and UNITED STATES POSTAL SERVICE, hereinafter also referred to as "Defendants," and in support thereof would respectfully show the Court the following:

I. PRIOR WRITTEN NOTICE OF CLAIMS TO DEFENDANTS

1. Plaintiff has presented his claim in this lawsuit in writing to Defendants, and those claims were denied in writing in letters from Defendant UNITED STATES POSTAL SERVICE dated May 4, 2017. Therefore, in accordance with 26 U.S.C. Section 2401 (b) and 39 C.F.R. 912.9(a), this lawsuit is filed within 6 months after the date of mailing of that letter.

II. PARTIES AND SERVICE

2. Plaintiff is an individual who reside in Dallas County, Texas, and can be noticed by and through their attorney of record, Andrew J. Wooley, The Law Office of Andrew J. Wooley, 10440 N. Central Expressway, Suite 800, Dallas, Texas 75231.

3. Defendant UNITED STATES OF AMERICA may be served with this lawsuit by delivering a copy of the summons and Plaintiff's Original Complaint to John R. Parker,

United States Attorney, United States Attorney's Office, Northern District of Texas, 1100 Commerce Street, Third Floor, Dallas, Texas 75242-1699; or to an assistant United States attorney or clerical employee whom the United States attorney designates in a writing filed with the Court Clerk. Defendant UNITED STATES OF AMERICA may also be served with this lawsuit by sending a copy of the summons and Plaintiff's Original Complaint by certified mail, return receipt requested, to Loretta E. Lynch, Attorney General of the United States, U.S. Department of Justice, 950 Pennsylvania Avenue, NW, Washington, D.C. 20530-0001. Plaintiff requests service by private process server.

4. Defendant UNITED STATES POSTAL SERVICE is an agency of Defendant UNITED STATES OF AMERICA which may be served with this lawsuit by delivering a copy of the summons and Plaintiff's Original Complaint to John R. Parker, United States Attorney, United States Attorney's Office, Northern District of Texas, 1100 Commerce Street, Third Floor, Dallas, Texas 75242-1699; or to an assistant United States attorney or clerical employee whom the United States attorney designates in a writing filed with the Court Clerk. Defendant UNITED STATES POSTAL SERVICE may also be served with this lawsuit by sending a copy of the summons and Plaintiff's Original Complaint by certified mail, return receipt requested, to Loretta E. Lynch, Attorney General of the United States, U.S. Department of Justice, 950 Pennsylvania Avenue, NW, Washington, D.C. 20530-0001. Defendant UNITED STATES POSTAL SERVICE may also be served with this lawsuit by sending a copy of the summons and Plaintiff's Original Complaint by certified mail, return receipt requested, to United States Postal Service, Law Department National Tort Center, 1720 Market Street, Room 2400, St. Louis, Missouri 63155-9948. Plaintiff requests service by private process server.

III. JURSIDICTION AND VENUE

5. This Court has jurisdiction over the subject matter of this lawsuit and the parties to this lawsuit because this lawsuit arises out of the negligence of Defendants' employee while acting within the course and scope of employment by Defendants UNITED STATES OF AMERICA and UNITED STATES POSTAL SERVICE, and this lawsuit is therefore brought pursuant to the Federal Tort Claims Act, which vests exclusive jurisdiction for this lawsuit in a United States District Court.

6. Venue of this lawsuit is proper in this Court because the motor vehicle collision in question of April 12, 2016 on which this lawsuit is based occurred in Dallas County, Texas.

IV. FACTS

7. On or about April 12, 2016, Plaintiff RITCHIE R. HUMPHREY was driving a 2010 red Ford Mustang traveling northbound on Lancaster Road towards the intersection with Keist Boulevard in Dallas County, Texas. At this same time, Defendants' employee, who was operating a vehicle owned by Defendants, while acting in the course and scope of employment by Defendants, traveled into the lane of travel of the vehicle occupied by Plaintiff, causing the vehicle being operated by Defendants' employee to collide with the vehicle occupied by Plaintiff. As a direct and proximate result of the wrongful and negligent conduct of Defendants, Plaintiff suffered injuries, damages, and medical expenses within the jurisdictional limits of this Court.

V. NEGLIGENCE

8. The collision in question made the basis of this suit as set forth herein and Plaintiff's resulting injuries and damages were proximately caused by the negligent and wrongful conduct of Defendants' employee, for which such negligent and wrongful conduct Defendants UNITED STATES OF AMERICA and UNITED STATES POSTAL SERVICE are also responsible and liable, in one or more of the following respects:

- a. in failing to keep a proper lookout as a person of ordinary prudence would have kept in the same or similar circumstances;
- b. in failing to apply the brakes on the vehicle she was operating in a timely manner to avoid the collision in question as a person of ordinary prudence would have done in the same or similar circumstances;
- c. in failing to swerve in a manner to avoid the collision in question as a person of ordinary prudence would have done in the same or similar circumstances;
- d. in driving at a speed greater than that which is reasonable;
- e. in failing to control speed;
- f. in failing to operate the vehicle as a reasonably prudent person exercising ordinary care would have operated that vehicle under the same or similar circumstances;
- g. in failing to adhere to state statutes and/or local traffic ordinances; and
- h. in driving the wrong way by driving into the opposing lane of travel in which the vehicle occupied by Plaintiff was traveling.

VI. DAMAGES

9. As a direct and proximate result of the negligent and/or wrongful conduct of Defendants, Plaintiff suffered injuries to his neck, back, shoulders, wrists, and body generally. Those injuries caused Plaintiff to sustain the following damages:

- a. past and future medical expenses;
 - b. past and future loss of earning capacity;
 - c. past and future physical pain and mental anguish;
 - d. past and future physical impairment;
 - e. past and future disfigurement;
 - f. property damage and out-of pocket expenses;
 - g. pre-judgment interest and post-judgment interest;
- and h. case costs and expenses of suit.

Plaintiff is entitled to recover damages in this lawsuit in an amount within the Court's jurisdictional limits.

VII. JURY DEMAND

10. Plaintiff hereby requests a trial by jury

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that Defendants be cited to appear and answer herein, and that this case be tried before the Court and a Jury, after which Plaintiff should recover:

- a. judgment against Defendants for Plaintiff's damages sought in this lawsuit as set forth above in an amount within the jurisdictional limits of this Court;

- b. pre-judgment interest at the maximum amount allowed by law;
- c. post-judgment interest at the maximum rate allowed by law;
- d. case costs and expenses of suit; and
- e. such other and further relief, at law or in equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

**THE LAW OFFICE OF ANDREW J.
WOOLEY**

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